

ESTTA Tracking number: **ESTTA734679**

Filing date: **03/21/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Original Buff, S.A.
Granted to Date of previous extension	03/23/2016
Address	Franca, 16 Igualada, Barcelona, 08700 SPAIN

Attorney information	Sean S. Swidler IpHorgan Ltd. 195 Arlington Heights Rd., Ste. #125 Buffalo Grove, IL 60089 UNITED STATES sswidler@iphorgan.net, mail@iphorgan.net Phone:8478085500
----------------------	---

### Applicant Information

Application No	86683144	Publication date	11/24/2015
Opposition Filing Date	03/21/2016	Opposition Period Ends	03/23/2016
Applicant	International Pioneer, Inc. 1229 1/2, S. Los Angeles St. Los Angeles, CA 90015 UNITED STATES		

### Goods/Services Affected by Opposition


Class 025. First Use: 2015/06/27 First Use In Commerce: 2015/06/27 All goods and services in the class are opposed, namely: Belts; Belts for clothing; Belts made out of cloth; Boot cuffs; Bottoms; Bottoms for women; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, cowls and smoke ring scarves; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, knee warmers; Clothing, namely, neck tubes; Clothing, namely, neck warmers; Eternity scarves; Fashion hats; Fur hats; Gloves as clothing; Hats; Head wraps; Headbands for clothing; Infinity scarves; Knee-high stockings; Leather belts; Leather hats; Mufflers; Neck scarfs; Neck scarves; Paper hats for use as clothing items; Scarfs; Scarves; Silk scarves; Socks and stockings; Top hats; Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods; Woolly hats
---


### Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration	4635024	Application Date	12/20/2011
-------------------	---------	------------------	------------

No.			
Registration Date	11/11/2014	Foreign Priority Date	NONE
Word Mark	BUFF		
Design Mark			
Description of Mark	The mark consists of the wording "BUFF" in black, with white inside the "B" in an orange circle that is outlined in black.		
Goods/Services	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0  Gloves; running wear, namely, shorts, shirts, pants, sweat shirts, sweat pants, jackets, jerseys; T-shirts; multipurpose wraps made of textiles for use as decorative headwear, head bands, arm bands, wrist bands and leg bands</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0  Gloves specially adapted for fishing, pole fishing, and hunting; paddle sport gloves, namely, gloves for use in kayak and canoe sports, surfing gloves; stripping gloves for fishing; multisport gloves, namely, sky diving gloves</p>		
U.S. Registration No.	4801808	Application Date	12/20/2011
Registration Date	09/01/2015	Foreign Priority Date	12/15/2011
Word Mark	BUFF		

Design Mark			
Description of Mark	The mark consists of the word "BUFF" in a circle.		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Gloves; running wear, namely, shorts, shirts, pants, sweat shirts, sweat pants, jackets, jerseys; T-shirts; multipurpose wraps made of textiles for use as decorative headwear, head bands, arm bands, namely, arm warmers, wrist bands and legbands		
U.S. Registration No.	4838954	Application Date	09/30/2014
Registration Date	10/27/2015	Foreign Priority Date	NONE
Word Mark	BUFF		

Design Mark	
Description of Mark	The mark consists of the stylized wording "BUFF" appearing on a diagonal within a circle.
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Gloves; running wear, namely, shorts, shirts, pants, sweat shirts, sweat pants, jackets, jerseys; T-shirts; multipurpose wraps made of textiles for use as decorative headwear; head bands, arm bands, wrist bands and leg bands; neckwear; balaclavas; berets, caps and hats

Attachments	85500189#TMSN.png( bytes ) 85500242#TMSN.png( bytes ) 79160292#TMSN.png( bytes ) Notice of Opposition - CHIC RUFF.pdf(2920940 bytes )
-------------	--

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Sean S. Swidler/
Name	Sean S. Swidler
Date	03/21/2016

**IN UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application:

Appl. No. : 86/683144  
Filed : July 3, 2015  
Published : November 24, 2015  
Mark : CHIC RUFF  
Applicant : International Pioneer, Inc.

Original Buff, S.A.	)	
Opposer,	)	Opposition No. (Unknown)
	)	
v.	)	
	)	
International Pioneer, Inc.	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Original Buff, S.A., a Spanish corporation having a principal place of business at Franca, 16 – Poligono Industrial, Igualada (Barcelona) 08700, Spain (hereinafter referred to as “Opposer” or “Original Buff”) hereby opposes U.S. Appl. Serial No. 86/683144 for the mark CHIC RUFF in Plain Text (hereinafter referred to as “the CHIC RUFF Application” and “the CHIC RUFF Mark”, respectively). In support of this Notice of Opposition, Original Buff states as follows:

1) Upon information and belief and according to current USPTO records, Applicant, International Pioneer, Inc. (hereinafter referred to as “Applicant” or “IPI”), is a California corporation having a business address of 1229 1/2, S. Los Angeles St., Los Angeles, California 90015.

2) IPI filed the CHIC RUFF Application on July 3, 2015, based on claimed use of the CHIC RUFF Mark in U.S. commerce, pursuant to Trademark Act Section 1(a), as of June 27, 2015, in connection with the following goods:

*Belts; Belts for clothing; Belts made out of cloth; Boot cuffs; Bottoms; Bottoms for women; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, cowls*

*and smoke ring scarves; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, knee warmers; Clothing, namely, neck tubes; Clothing, namely, neck warmers; Eternity scarves; Fashion hats; Fur hats; Gloves as clothing; Hats; Head wraps; Headbands for clothing; Infinity scarves; Knee-high stockings; Leather belts; Leather hats; Mufflers; Neck scarfs; Neck scarves; Paper hats for use as clothing items; Scarfs; Scarves; Silk scarves; Socks and stockings; Top hats; Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods; Woolly hats in Intl. Cl. 25.*


3) Based on information included in the CHIC RUFF Application, the application does not include a priority claim earlier than the alleged first use in U.S. commerce date.



4) The USPTO published the CHIC RUFF Application for opposition in connection with the goods identified in the above Paragraph 2 on the November 24, 2015.

5) On December 22, 2015, Original Buff petitioned for and the Trademark Trial and Appeal Board granted a ninety (90)-day extension of time for Original Buff to file this Notice of Opposition, extending the opposition filing deadline up to and through March 23, 2016.

6) Original Buff will be injured and/or damaged, within the meaning of 15 USC § 1063 by the registration of the CHIC RUFF Mark in connection with the Cl. 25 goods identified in the above Paragraph 2.

7) Original Buff owns the following trademark registrations covering marks featuring the term “BUFF” and covering apparel and clothing items in International Class 25 and International Class 28 (collectively referred to as “the BUFF Marks”):

Mark	Reg. No.	Goods/Services (Class)	Priority Date
	4635024	Gloves; running wear, namely, shorts, shirts, pants, sweat shirts, sweat pants, jackets, jerseys; T-shirts; multipurpose wraps made of textiles for use as decorative headwear, head bands, arm bands, wrist bands and leg bands (IC 25)  Gloves specially adapted for fishing, pole fishing, and hunting; paddle sport gloves, namely, gloves for use in kayak and canoe sports, surfing gloves; stripping gloves for fishing; multisport gloves, namely, sky diving gloves (IC 28)	12/20/2011

	4801808	Gloves; running wear, namely, shorts, shirts, pants, sweat shirts, sweat pants, jackets, jerseys; T-shirts; multipurpose wraps made of textiles for use as decorative headwear, head bands, arm bands, namely, arm warmers, wrist bands and leg bands (IC 25)	12/15/2011
	4838954	Gloves; running wear, namely, shorts, shirts, pants, sweat shirts, sweat pants, jackets, jerseys; T-shirts; multipurpose wraps made of textiles for use as decorative headwear; head bands, arm bands, wrist bands and leg bands; neckwear; balaclavas; berets, caps and hats (IC 25)	12/15/2011

Attached hereto as Exhibit A are true and correct copies of the registration certificates for the BUFF Marks identified above along with the assignment history for each registration.

8) The goods covered in Original Buff's registrations covering its BUFF Marks are not limited as to their nature, type, channels of trade, or class of purchasers. Accordingly, it is presumed these registrations encompass all good of the type described, they move in all normal channels of trade, and they are available to all classes of purchasers. *See, e.g., Levi Strauss & Co. v. Abercrombie & Fitch Trading Co.*, 719 F.3d 1367, 1373 (Fed. Cir. 2013).

9) The registrations covering Original Buff's BUFF Marks have priority dates predating the filing date of the CHIC RUFF Application and the alleged first use in U.S. commerce date.

10) As a result of Original Buff's use of the BUFF Marks, the marks have become recognized as identifying Original Buff's goods and distinguishing them from the goods of others and Original Buff established and owns exceedingly valuable goodwill in its BUFF Marks.

11) The CHIC RUFF Mark is confusingly similar in appearance and sound to the BUFF Marks, namely, the literal element "BUFF".

12) The CHIC RUFF Mark, as applied to the Intl. Class 25 goods listed in the above Paragraph 2, so resembles the previously registered BUFF Marks of Original Buff as to be likely to cause confusion or cause mistake, or to deceive within the meaning of 15 USC § 1052(d).

13) The CHIC RUFF Application claims goods in Intl. Class 25 which are identical, similar, related and/or complementary to Original Buff's Intl. Class 25 and 28 goods as listed above and covered by the registrations for the BUFF Marks attached as Exhibit A.

14) Given the identical, similar, related and/or complementary nature of the Cl. 25 goods claimed in the CHIC RUFF Application and the goods covered by the BUFF Marks, these goods are likely to be marketed and sold to the same consumers and in the same channels of trade, thus there is an identity of consumers who are likely to be confused as to the source of IPI's goods.

15) Due to the confusing similarity of the parties' marks, the identity, similarity, related and/or complimentary nature of goods and overlap of consumers, markets and channels of trade, confusion is likely.

16) If IPI obtains registration of the CHIC RUFF Mark, Original Buff will be damaged as the effect of such registration will cause consumer confusion, impair Original Buff's rights to use its own BUFF Marks in connection with the goods identified herein, and will deprive Original Buff of the ability to protect its reputation and goodwill associated with its BUFF Marks.



WHEREFORE, Opposer, Original Buff requests this Notice of Opposition be sustained and U.S. Appl. Serial No. 86/683144 for the CHIC RUFF Mark be refused from achieving registration.

Date: March 22, 2015

Respectfully submitted,

IpHorgan, Ltd.  
195 Arlington Heights Rd., Ste. #125  
Buffalo Grove, Illinois 60089  
Tel: (847) 808-5500  
Fax: (847) 808-7238  
Email: [mail@iphorgan.net](mailto:mail@iphorgan.net)  
[sswidler@iphorgan.net](mailto:sswidler@iphorgan.net)

/Sean S. Swidler/  
Sean S. Swidler  
Attorney for Opposer,  
Original Buff, S.A.

# **OPPOSITION EXHIBIT A**

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,635,024**

**Registered Nov. 11, 2014**

**Int. Cls.: 25 and 28**

**TRADEMARK**

**PRINCIPAL REGISTER**

ORIGINAL BUFF S.A. (SPAIN CORPORATION)  
FRANÇA, 16  
08700 IGUALADA  
BARCELONA, SPAIN

FOR: GLOVES; RUNNING WEAR, NAMELY, SHORTS, SHIRTS, PANTS, SWEAT SHIRTS, SWEAT PANTS, JACKETS, JERSEYS; T-SHIRTS; MULTIPURPOSE WRAPS MADE OF TEXTILES FOR USE AS DECORATIVE HEADWEAR, HEAD BANDS, ARM BANDS, WRIST BANDS AND LEG BANDS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: GLOVES SPECIALLY ADAPTED FOR FISHING, POLE FISHING, AND HUNTING; PADDLE SPORT GLOVES, NAMELY, GLOVES FOR USE IN KAYAK AND CANOE SPORTS, SURFING GLOVES; STRIPPING GLOVES FOR FISHING; MULTISPORT GLOVES, NAMELY, SKY DIVING GLOVES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

OWNER OF ERPN CMNTY TM OFC REG. NO. 010496404, DATED 5-14-2012, EXPIRES 12-15-2021.

THE COLOR(S) ORANGE, BLACK AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

OWNER OF U.S. REG. NOS. 2,197,157, 3,976,340, AND 4,071,152.

THE MARK CONSISTS OF THE WORDING "BUFF" IN BLACK, WITH WHITE INSIDE THE "B" IN AN ORANGE CIRCLE THAT IS OUTLINED IN BLACK.

SER. NO. 85-500,189, FILED 12-20-2011.

WANDA KAY PRICE, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)



[Assignments on the Web](#) > [Trademark Query](#)

**No assignment has been recorded at the USPTO**

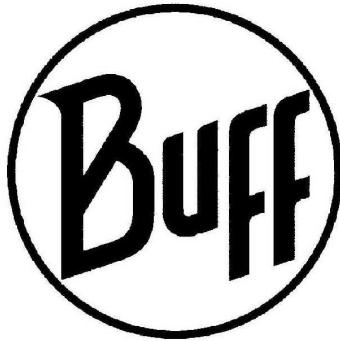
**For Serial Number: 85500189**

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5  
Web interface last modified: July 25, 2014 v.2.5

[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,801,808**

**Registered Sep. 1, 2015**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

ORIGINAL BUFF, S.A. (SPAIN CORPORATION)  
FRANÇA, 16  
08700 IGUALADA  
BARCELONA, SPAIN

FOR: GLOVES; RUNNING WEAR, NAMELY, SHORTS, SHIRTS, PANTS, SWEAT SHIRTS, SWEAT PANTS, JACKETS, JERSEYS; T-SHIRTS; MULTIPURPOSE WRAPS MADE OF TEXTILES FOR USE AS DECORATIVE HEADWEAR, HEAD BANDS, ARM BANDS, NAMELY, ARM WARMERS, WRIST BANDS AND LEG BANDS, IN CLASS 25 (U.S. CLS. 22 AND 39).

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 10496321, FILED 12-15-2011, REG. NO. 010496321, DATED 5-14-2012, EXPIRES 5-14-2022.

OWNER OF U.S. REG. NOS. 2,021,229, 4,071,152 AND OTHERS.

THE MARK CONSISTS OF THE WORD "BUFF" IN A CIRCLE.

SER. NO. 85-500,242, FILED 12-20-2011.

KEVON CHISOLM, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)



[Assignments on the Web](#) > [Trademark Query](#)

**No assignment has been recorded at the USPTO**

**For Serial Number: 85500242**

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5  
Web interface last modified: July 25, 2014 v.2.5

[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,838,954**

ORIGINAL BUFF, S.A. (SPAIN SOCIEDAD ANÓNIMA)  
FRANÇA 16

**Registered Oct. 27, 2015**

E-08700 IGUALADA, BARCELONA, SPAIN

**Int. Cl.: 25**

FOR: GLOVES; RUNNING WEAR, NAMELY, SHORTS, SHIRTS, PANTS, SWEAT SHIRTS, SWEAT PANTS, JACKETS, JERSEYS; T-SHIRTS; MULTIPURPOSE WRAPS MADE OF TEXTILES FOR USE AS DECORATIVE HEADWEAR; HEAD BANDS, ARM BANDS, WRIST BANDS AND LEG BANDS; NECKWEAR; BALACLAVAS; BERETS, CAPS AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**TRADEMARK**

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF THE STYLIZED WORDING "BUFF" APPEARING ON A DIAGONAL WITHIN A CIRCLE.

OWNER OF INTERNATIONAL REGISTRATION 1171927 DATED 6-11-2013, EXPIRES 6-11-2023.

SER. NO. 79-160,292, FILED 9-30-2014.

DANIEL S. STRINGER, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)



[Assignments on the Web](#) > [Trademark Query](#)

**No assignment has been recorded at the USPTO**

**For Serial Number: 79160292**

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5  
Web interface last modified: July 25, 2014 v.2.5

[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)



**IN UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application:

Appl. No. : 86/683144  
Filed : July 3, 2015  
Published : November 24, 2015  
Mark : CHIC RUFF  
Applicant : International Pioneer, Inc.

Original Buff, S.A.	)	
Opposer,	)	Opposition No. (Unknown)
	)	
v.	)	
	)	
International Pioneer, Inc.	)	
Applicant.	)	

**CERTIFICATE OF ELECTRONIC FILING**

The undersigned hereby certifies Opposer, Original Buff, S.A., electronically filed the attached Notice of Opposition with the Trademark Trial and Appeal Board on this 21<sup>st</sup> day of March, 2016.

By: /Sean S. Swidler/  
Sean S. Swidler  
Attorney for Opposer  
Original Buff, S.A.

**IN UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application:

Appl. No. : 86/683144  
Filed : July 3, 2015  
Published : November 24, 2015  
Mark : CHIC RUFF  
Applicant : International Pioneer, Inc.

Original Buff, S.A.	)	
Opposer,	)	Opposition No. (Unknown)
	)	
v.	)	
	)	
International Pioneer, Inc.	)	
Applicant.	)	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies Opposer, Original Buff, S.A. served a copy of the foregoing NOTICE OF OPPOSITION this 21<sup>st</sup> day of March, 2016, by First Class Mail, postage prepaid on the following correspondence address of record for the Applicant, International Pioneer, Inc.:

International Pioneer, Inc.  
1229 1/2 S Los Angeles St  
Los Angeles, California 90015-2538

By: /Sean S. Swidler/  
Sean S. Swidler  
Attorney for Opposer  
Original Buff, S.A.